

RENTON CITY COUNCIL  
Regular Meeting

July 12, 1999  
Monday, 7:30 p.m.

Council Chambers  
Renton City Hall

MINUTES

**CALL TO ORDER**

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF  
COUNCILMEMBERS**

KING PARKER, Council President; DAN CLAWSON; KATHY KEOLKER-WHEELER; BOB EDWARDS; TONI NELSON; RANDY CORMAN.

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL EXCUSE ABSENT COUNCILMAN TIMOTHY SCHLITZER. CARRIED.

**CITY STAFF IN  
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Assistant City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; VICTORIA RUNKLE, Finance & Information Services Administrator; PAUL KUSAKABE, Fiscal Services Director; SANDY CHASTAIN, Community Relations Specialist; DEREK TODD, Finance Analyst; COMMANDER KATHLEEN MCCLINCY, Police Department.

**PRESS**

Robert Teodosio, *Renton Reporter*

**APPROVAL OF  
COUNCIL MINUTES**

MOVED BY PARKER, SECONDED BY EDWARDS, COUNCIL APPROVE THE MINUTES OF JUNE 28, 1999 AS PRESENTED. CARRIED.

**SPECIAL PRESENTATION**  
Finance Department Payroll  
Team Recognitions

Victoria Runkle, Finance & Information Services Administrator, presented certificates of appreciation to four key staff members who worked to implement the City's new payroll system. Those recognized were: Arlene Workman, Payroll Technician; Linda L. Dixon, Finance Analyst; Heidi Nagler, Accounting Assistant; and project manager Sylvia Doerschel, Grant Accountant. Ms. Runkle commented on the scope and complexity of this project, which is tied to six different retirement systems, and said that last week's changeover to the new system was error-free.

**APPEAL**  
**Planning & Development**  
**Committee**

Appeal: Campen Springs Site  
Approval, Talbot Rd (SA-98-  
039)

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the appeals of Schneider Homes and Lila M. Campen on the Campen Springs site approval project located at 4908 Talbot Rd. S. The Committee heard this appeal on July 8, 1999, and recommended to the Council as follows:

1. Finding No. 15 on page 12 and Conclusion Nos. 1 and 2 under Wetland Issues, on pages 9 and 10 of the Hearing Examiner's decision, be reversed. The Findings and Conclusions relate to the interpretation of the term "no feasible alternative location" as contained in Renton City Code section 4-3-110(K)(1)(1). The Committee recommended reversal for the following reasons:
  - a. The Examiner should have given substantial weight to the interpretation of that phrase by the planning staff, as the planning staff is the City agency with the responsibility of interpreting that Code section.
  - b. City staff has liberally interpreted this phrase over a number of projects.
  - c. When the City Code section substantially interferes with a property owner's rights to develop the owner's property, and it does not substantially further City policy, then the phrase should be given a liberal interpretation to benefit the property owner's rights. In this particular instance, Category 3 wetlands (that is,

highly disturbed wetlands) will be replaced with proposed new wetlands which would have greater functional value than the existing degraded wetlands, as recognized in the Hearing Examiner's report under Wetland Issues, Conclusion No. 2.

d. In considering feasibility in a situation such as the one before the Committee where feasibility isn't defined, a dictionary may be consulted. The dictionary defines feasible as meaning practical or useful. Retaining the degraded wetland in the middle of this project would not be practical or useful.

In light of all the factors in this case, on balance, the Hearing Examiner's conclusions concerning feasibility should be reversed and the Committee should recommend that the Council find that City Code section 4-3-110(K)(1)(1) has been satisfied with respect to feasibility.

Therefore, Finding No. 15 on page 12 should be rewritten by striking the phrase "if that provision is not effective" at the start of the second sentence and the remainder of that finding after the word "reasonable" on the third line; that is, striking the last three-and-one-half lines.

2. Conclusion No. 1 at the top of page 10 should be rewritten by eliminating the last full paragraph thereof and substituting in its place the following language:

"The wetlands policies of the City of Renton would not be substantially furthered by prohibiting the filling of these Class 3 wetlands. Because City policy would not be furthered, the phrase 'no feasible alternative location' should be given a liberal construction to benefit the property owner's rights. On balance, this application satisfies City Code regarding feasibility."

3. Conclusion No. 2 on page 10 should be modified by striking the first two sentences thereof.

4. Having recommended that the Council reverse the Examiner on the feasibility issue, the Committee next addressed appeals concerning four conclusions in the Examiner's alternative decision.

5. Conclusion Nos. 3 and 4 are recitations of City Code under Code section 4-2-110.F, and so the Examiner's decision on these conclusions should be affirmed.

6. As to Conclusion No. 5, the length of the term of the wetlands maintenance bond, based upon evidence in the record, the Committee would recommend that Conclusion No. 5 be modified to have the term of the wetlands bond over five years rather than ten.

7. As to Conclusion No. 6, which requires the wetlands be moved to the eastern edge of proposed Phase 1, the Committee could find no evidence in the record that moving the wetlands to the eastern edge of the area proposed for development would either be practical or successful. The Examiner's condition should be replaced with the following condition:

"The applicant shall move the wetlands to the area next to the road as originally proposed in consultation with applicant's wetland consultant in such a manner as to maximize the probability for long-term maintenance and survivability of such wetlands, thus ensuring the enhancement of wetland functions and values."

MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS,  
COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS, COUNCIL REFER TO THE ADMINISTRATION AND THE PLANNING & DEVELOPMENT COMMITTEE THE MATTER OF RESOLVING A LANGUAGE CONFLICT IN THE CITY CODE RELATING TO WETLANDS. CARRIED.

Councilmember Keolker-Wheeler then referred to a letter from the Hearing Examiner which described a potential change in the Highlands-area Van Gard self-storage project should Council alter his decision on the Campen Springs project. She asked the Administration to address the propriety of conditioning the terms of one project on another, completely unrelated development.

## ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1999 and beyond. Items noted included:

- \* IKEA has pledged \$500,000 to the Renton Performing Arts Center being built as part of the renovation of Renton High School.
- \* The Association of Washington Cities is urging cities to pay close attention to Initiative 695, which would replace the motor vehicle excise tax with a \$30 license tab fee, and require voter approval of all tax and fee increases. The AWC warns that passage of this initiative could have significant budget implications for all Washington counties and cities.
- \* Ramp metering will be activated on I-405 on July 19<sup>th</sup>.
- \* The Recreation Division's Annual Creative Kids' Fair on Thursday July 15<sup>th</sup> will feature free entertainment by Valentine's Performing Pigs and unicycle artist Greg Bennick.

## AUDIENCE COMMENT

Citizen Comment: Campen –  
Campen Springs Site Approval

Lila M. Campen, 4908 Talbot Rd. S., Renton, 98055, thanked Council for allowing the Campen Springs development to proceed, explaining that she has been trying for 20 years to sell her property for development.

Citizen Comment: Buyce –  
Fireworks Ban

Richard Buyce, 274 Thomas Ave. SW, Renton, 98055, urged the City to ban all fireworks within Renton. Saying that the disturbance created by fireworks seemed especially bad this year, he said many people violate the law and use illegal fireworks or set off fireworks outside of the allowed time period. Adding that fireworks are not conducive to community building, he suggested that the City instead sponsor a professional fireworks display for its citizens, perhaps at Gene Coulon Park.

Councilman Corman replied that the Public Safety Committee considered this issue last year, at which time it expressed concern that the State, under pressure from fireworks manufacturers, has expanded the definition of "safe and sane" fireworks. Emphasizing that this only gives greater impetus for jurisdictions to ban fireworks, he nevertheless felt that it wouldn't make any sense for Renton to impose a ban if it doesn't have the resources to enforce it.

Councilman Clawson agreed with Mr. Buyce that fireworks are a serious problem. He suggested that Renton levy a \$500 fine on anyone possessing or setting off illegal fireworks.

MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL REFER THE MATTER OF FIREWORKS TO THE PUBLIC SAFETY COMMITTEE. CARRIED.

Responding to a comment from Council President Parker, Mr. Corman asked that staff not prepare any materials for the Committee on this matter without first receiving specific direction from Councilman Schlitzer, the Committee's chair.

Citizen Comment: Richter –  
Return to Renton Car Show

Marjorie Richter, 300 Meadow Ave. N., Renton, 98055, reported that last weekend's "Return to Renton" classic car show was highly successful, with an estimated 600 cars participating.

## **CONSENT AGENDA**

Items on the consent agenda are adopted by one motion which follows the listing. At the request of a Councilmember, item 8.e. was removed for separate consideration.

CAG: 99-076, SW 23rd St  
Drainage Improvement, Tydico

City Clerk reported bid opening on 7/06/99 for CAG-99-076, SW 23rd St. Drainage Improvement project; four bids; engineer's estimate \$78,897.90; and submitted staff recommendation to award the contract to the low bidder, Tydico, Inc., in the amount of \$108,600.00. Council concur.

CAG: 99-074, N 30th & Park  
Ave Water Main & Sidewalks,  
Gary Merlino Const Co

City Clerk reported bid opening on 7/07/99 for CAG-99-074, N. 30th St. and Park Ave. N. Water Main Replacement and Sidewalk Improvement project; three bids; engineer's estimate \$599,264.19; and submitted staff recommendation to award the contract to the low bidder, Gary Merlino Construction Co., Inc., in the amount of \$537,133.70. Council concur.

EDNSP: Highlands Sub-Area  
Urban Design Plan, CNA  
Architects

Economic Development, Neighborhoods & Strategic Planning Department requested approval of a contract between \$40,000 and \$50,000 with CNA Architects to develop the Highlands Sub-Area Urban Design Plan Proposal, including urban design and economic feasibility elements. Refer to Finance Committee.

Annexation: Morrison, SE  
128th St

Economic Development, Neighborhoods & Strategic Planning Department submitted a 10% Notice of Intent to Annex for the proposed Morrison Annexation, 39.21 acres located north of SE 128th Street, and recommended that a public meeting be set on July 26, 1999 to consider the petition to annex. Council concur.

Finance: Internal Loans for  
Utility CIP Projects

Finance & Information Services Department recommended allowing repayment of internal bridge loans for utility capital improvement projects with proceeds of tax-exempt utility revenue bonds, to be issued when the total project volume reaches at least \$5,000,000. Refer to Finance Committee.

Airport: Kaynan Lease  
Extensions (LAG-84-003 &  
LAG-85-011)

Transportation Division recommended amending two leases with the Kaynan Corporation for areas at Renton Municipal Airport (LAG-84-003 and LAG-85-011), to extend the lease periods to July and August 2010, respectively, with options to extend to 2016. Refer to Transportation (Aviation) Committee.

**MOVED BY PARKER, SECONDED BY NELSON, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEM. 8.e. FOR SEPARATE CONSIDERATION. CARRIED.**

Council President Parker questioned awarding another public works contract to Tydico, Inc., which is currently involved in litigation with the City on another project. Assistant City Attorney Zanetta Fontes replied that after investigating this issue, she concluded that the company does not meet the requirements for debarment.

## **Separate Consideration**

Executive Department recommended renewal of the contract with Sonja

**Item 8.e.**

Executive: Special Events &  
Volunteer Program Coordinator  
Contract

Mejlaender for special event and volunteer program coordination from July 1, 1999 through July 1, 2000 for \$45,000.

Councilmember Keolker-Wheeler said while Ms. Mejlaender's work is exemplary, she was concerned that the coordination of Renton River Days used to be done by a permanent City employee, but has now been turned over to a contract employee. She wondered whether this position should be made into a regular full-time position with benefits.

Jay Covington, Chief Administrative Officer, responded that after the resignation of Laurie Ness, the City's first Volunteer Coordinator, the Administration took the opportunity to combine this function along with special events activities into one contract.

Council President Parker explained that this person performs promotion and marketing work for the City as a consultant to specific programs and events. He supported approving the contract this evening as proposed, adding that Council can take up the question of whether it should be made into a full-time regular position during budget deliberations.

Councilman Edwards suggested shortening the ending date of the contract from June 30, 2000 to December 31, 1999 to coincide with the City's budget.

Councilmember Nelson agreed this would be preferable, as the River Days Board of Directors was concerned that the contract for the event's coordination not expire a few short weeks before River Days.

MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL EXTEND THE CONTRACT WITH SONJA MEJLAENDER FOR SPECIAL EVENT AND VOLUNTEER PROGRAM COORDINATION FROM JULY 1, 1999 THROUGH DECEMBER 31, 1999 FOR \$22,500. CARRIED.

MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL REFER THIS MATTER TO THE FINANCE COMMITTEE FOR DISCUSSION PRIOR TO BUDGET DELIBERATIONS LATER THIS YEAR. CARRIED.

**CORRESPONDENCE**

Citizen Comment: Highlands  
Community Association –  
Renton Housing Authority,  
Maintenance of Housing Stock

Correspondence was read from the Board of the Highlands Community Association, urging the City to immediately fund necessary improvements to properties operated by the Renton Housing Authority in the Highlands.

Mayor Tanner noted that the Housing Authority is an independent entity which controls its own finances and is wholly responsible for operating and maintaining the various properties which it owns. He added that this letter may be related to an application by the Housing Authority to the City's new Neighborhood Program for minor work to some of its buildings.

**OLD BUSINESS****Planning & Development  
Committee**

Comprehensive Plan:  
Amendment Review Process  
Changes

Planning & Development Committee Chair Keolker-Wheeler presented a report recommending that a public hearing be set on July 26, 1999 for proposed Code amendments changing the dates and procedures for the Comprehensive Plan amendment review process. MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Planning: Taco Time  
Development Agreement

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the proposed Taco Time development agreement and Convenience Commercial (CC) Zone amendments. Based on the adopted Committee report from January 4, 1999, staff has prepared proposed amendments to the

Convenience Commercial Zone office allowances as well as minor amendments to accessory storage in all commercial and industrial zones. The Committee considered public comments received at the public hearing held June 14, 1999. The Committee recommended that staff prepare an ordinance consistent with the staff report dated May 5, 1999, and in addition include a sunset clause for the one-time building addition for existing, legal Administrative Headquarters Offices. The sunset date would be seven years. The ordinance would be approved along with other related ordinances prepared in conjunction with the 1999 Comprehensive Plan amendments.

Also based on the adopted Committee report from January 4, 1999, staff and the City Attorney have prepared a proposed Development Agreement for the Taco Time Corporation and property owner. The Development Agreement is based on the ultimate adoption of CC zone amendments regarding allowances for existing, legal administrative headquarters offices with minor parking and square footage allowances. The agreement would include Environmental Review Committee mitigation measures related to building height, access, landscaping, site plan review and other provisions. The Committee considered public comments received at the public hearing held June 14, 1999. The Committee recommended that staff prepare a resolution authorizing the Mayor to enter into the agreement. The agreement should be consistent with the staff report dated May 6, 1999, and in addition should include a sunset clause for the one-time building addition for existing, legal administrative headquarters offices. The sunset date would be seven years. The resolution would be approved along with other ordinances prepared in conjunction with the 1999 Comprehensive Plan amendments. MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

#### **Finance Committee**

Finance: Vouchers

Finance Committee Chair Edwards presented a report recommending approval of Claim Vouchers 172326 - 172745 and two wire transfers totaling \$2,702,796.18. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

#### **Transportation Committee**

Public Works: Pacific Fiber Link Fiber Optic System Through Renton

Transportation Committee Chair Corman presented a report regarding the proposed license agreement for Pacific Fiber Link, L.L.C. Pacific Fiber Link plans to provide high-capacity, inter-exchange transport on a long-term lease basis to telecommunications common carriers on underground fiber optic cables. The conduit will be installed using conventional trenching, horizontal boring and directional drilling methods. This is a ten-year license agreement between the City of Renton and Pacific Fiber Link.

Pacific Fiber Link (PFL) is a Washington State limited liability company. PFL is owned by Ledcor Industries, Inc. and Mitek Communications, Inc. Mitek Communications, Inc. is a wholly-owned subsidiary of Michel's Pipeline Construction, Inc. PFL has no subsidiaries or other parent companies.

City Code encourages telecommunications services such as this to promote competition and provide advance services on the widest possible basis to businesses, institutions and residents of the City.

The Transportation Committee recommended concurrence in the staff recommendation to approve the license agreement with Pacific Fiber Link, L.L.C. The Committee further recommended that the Mayor and City Clerk be authorized to execute the agreement. MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT

CARRIED.

## **ORDINANCES AND RESOLUTIONS**

The following ordinances were presented for second and final reading:

### **Ordinance #4784**

Municipal Court: Judge Pro Tem Compensation

An ordinance was read amending Section 3-4-3.B of Chapter 4, Municipal Court, of Title III (Departments) of City Code by increasing the amount of compensation for Pro Tem Judges. MOVED BY EDWARDS, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

### **Ordinance #4785**

Police: Bicycle Helmet Ordinance

An ordinance was read amending Title VI (Police Regulations) of City Code by adding Chapter 26, entitled "Bicycle Helmets." MOVED BY EDWARDS, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

### **Ordinance #4786**

Planning: Employment Area – Valley Zoning Code Changes

An ordinance was read amending Title IV (Development Regulations) of City Code by adding uses in the Light Industrial, Medium Industrial, Heavy Industrial, Commercial Office and Commercial Arterial zones, consolidating duplicate listed uses on the Zoning Use tables, and clarifying procedures and specific use conditions in the RM-H, R-14, IL, IM, IH, CC, CN, CS, CA, CD, CO and COR zones. MOVED BY EDWARDS, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

### **Ordinance #4787**

Legal: S 2nd St Condemnation (Burnett & Logan), Williams/Hiatt and Jasper

An ordinance was read authorizing the acquisition of certain property and property rights by eminent domain and providing for the payment thereof; authorizing the City Attorney to prepare a petition for condemnation in the Superior Court in and for the County of King and for the prosecution thereof for the acquisition of such property and property rights for the purpose of public parking (Williams/Hiatt and Jasper parcels, located on South 2nd Street between Burnett and Logan Avenues South). MOVED BY EDWARDS, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

## **NEW BUSINESS**

Human Services: "Christmas in April" Program

Noting that this issue was discussed during Committee of the Whole earlier in the evening, it was MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL DIRECT THE ADMINISTRATION TO PARTNER WITH THE "CHRISTMAS IN APRIL" ORGANIZERS TO DEVELOP A RENTON PROGRAM FOR NEXT YEAR. CARRIED.

## **AUDIENCE COMMENT**

Citizen Comment: Evans – Coulon Park Boat Mooring Raft Unavailability

Ralph Evans, 3306 NE 11<sup>th</sup> Pl., Renton, 98056, reported that the mooring raft near the canoe launch at Gene Coulon Memorial Beach Park has been damaged, and is off-limits to the public until it can be surveyed and repaired. Noting that this raft normally receives much use by the Renton Sailing Club, he felt that since the raft was damaged during the winter, it should have been repaired and made ready for the heavy spring and summer use. Mr. Evans said he was told that the Sailing Club's classes for May and June were cancelled, and it was still unknown whether classes will be held this month. Emphasizing that this quality program is open to everyone, regardless of age, size or athletic ability, he urged the City to take all necessary steps to see that the raft is repaired as quickly as possible.

Council President Parker explained that the City could not accept the repairs

made to the raft by Sailing Club members because of liability issues and the fact that the raft is used by the general public. Unlike Mr. Evans, Mr. Parker understood that no classes offered by the Sailing Club via the City's Community Services Department have been cancelled this year. He concluded that the Administration is already working with the Sailing Club on this matter.

Citizen Comment: Campen –  
Campen Springs Site Approval

Mike Campen, 4902 Talbot Rd. S., Renton, 98055, thanked Council for its decision earlier this evening regarding the Campen Springs development. He also thanked staff in the Development Services and City Clerk divisions for providing him information and helping him to understand the project process.

## **ADJOURNMENT**

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL ADJOURN.  
CARRIED. Time: 9:07 p.m.

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MARILYN J. PETERSEN, CMC, City Clerk

Recorder: Brenda Fritsvold  
July 12, 1999